

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

RYAN MOORE,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No.: 15cv75-LAB (BLM)

ORDER:

**(1) GRANTING JOINT MOTION TO
EXTEND EXPERT DISCOVERY
DEADLINE [ECF No. 31]**

AND

**(2) AMENDED CASE
MANAGEMENT CONFERENCE
ORDER**

On February 11, 2016, the parties filed a joint motion asking the Court to continue the expert discovery deadline from February 12, 2016 to May 20, 2016. ECF No. 31 at 2. In support, the parties describe their discovery efforts state that they are “in the process of coordinating deposition dates for approximately seventeen retained experts and several non-retained treating medical providers,” and that due to the number of witnesses that still need to be deposed the requested extension is warranted. Id.

1 Having reviewed the parties' joint motion, and having consulted with the chambers
 2 of District Judge Larry A. Burns, the Court finds good cause and **GRANTS** the motion.
 3 Accordingly, the Court amends the Case Management Order as follows:

4 1. All expert discovery shall be completed by all parties on or before May 20,
 5 2016. "Completed" means that all discovery under Rules 30-36 of the Federal Rules of
 6 Civil Procedure, and discovery subpoenas under Rule 45, must be initiated a sufficient
 7 period of time in advance of the cut-off date, so that it may be completed by the cut-off
 8 date, taking into account the times for service, notice, and response as set forth in the
 9 Federal Rules of Civil Procedure.

10 Counsel shall promptly and in good faith meet and confer with regard to all
 11 discovery disputes in compliance with Federal Rule of Civil Procedure 37(a)(1) and Civil
 12 Local Rule 26.1(a). All discovery motions must be filed within 30 days of the service of
 13 an objection, answer or response which becomes the subject of dispute or the passage of a
 14 discovery due date without response or production, and only after counsel have met and
 15 conferred and have reached impasse with regard to the particular issue. The Court's
 16 procedures for resolving discovery disputes are set forth in Magistrate Judge Barbara L.
 17 Major's Civil Chambers Rules, which are posted on the Court's website. **A failure to**
 18 **comply in this regard will result in a waiver of a party's discovery issue. Absent an**
 19 **order of the court, no stipulation continuing or altering this requirement will be**
 20 **recognized by the court.**

21 2. Failure to comply with this section or any other discovery order of the court
 22 may result in the sanctions provided for in Fed. R. Civ. P. 37, including a prohibition on
 23 the introduction of experts or other designated matters in evidence.

24 3. All other pretrial motions must be filed by June 20, 2016. Counsel for the
 25 moving party must obtain a motion hearing date from the law clerk of the judge who will
 26 hear the motion. The period of time between the date you request a motion date and the
 27 hearing date may vary from one district judge to another. Please plan accordingly. Failure
 28 to make a timely request for a motion date may result in the motion not being heard.

1 Motions in limine are to be filed as directed in the Local Rules, or as otherwise set by the
2 district judge.

3 4. Despite the requirements of Civil Local Rule 16.1(f)(2), neither party is
4 required to file a Memorandum of Contentions of Fact and Law at any time. The parties
5 shall instead focus their efforts on drafting and submitting a proposed pretrial order by the
6 time and date specified by Civil Local Rule 16.1(f)(6)(b). The proposed pretrial order shall
7 comply with Civil Local Rule 16.1(f)(6) and the Standing Order in Civil Cases issued by
8 the assigned district judge.

9 5. Counsel shall comply with the pre-trial disclosure requirements of Fed. R.
10 Civ. P. 26(a)(3) by **August 22, 2016**. Failure to comply with these disclosure requirements
11 could result in evidence preclusion or other sanctions under Fed. R. Civ. P. 37.

12 6. Counsel shall meet and take the action required by Local Rule 16.1(f)(4) by
13 **August 29, 2016**. At this meeting, counsel shall discuss and attempt to enter into
14 stipulations and agreements resulting in simplification of the triable issues. Counsel shall
15 exchange copies and/or display all exhibits other than those to be used for impeachment.
16 The exhibits shall be prepared in accordance with Local Rule 16.1(f)(4)(c). Counsel shall
17 note any objections they have to any other parties' Pretrial Disclosures under Fed. R. Civ.
18 P. 26(a)(3). Counsel shall cooperate in the preparation of the proposed pretrial conference
19 order.

20 7. Counsel for plaintiff will be responsible for preparing the pretrial order and
21 arranging the meetings of counsel pursuant to Civil Local Rule 16.1(f). By **September 5,**
22 **2016**, plaintiff's counsel must provide opposing counsel with the proposed pretrial order
23 for review and approval. Opposing counsel must communicate promptly with plaintiff's
24 attorney concerning any objections to form or content of the pretrial order, and both parties
25 shall attempt promptly to resolve their differences, if any, concerning the order.

26 8. The Proposed Final Pretrial Conference Order, including objections to any
27 other parties' Fed. R. Civ. P. 26(a)(3) Pretrial Disclosures shall be prepared, served and
28 lodged with the assigned district judge by **September 12, 2016**, and shall be in the form

1 prescribed in and comply with Local Rule 16.1(f)(6).

2 9. The final Pretrial Conference is scheduled on the calendar of the **Honorable**
3 **Larry Alan Burns** on **September 19, 2016** at **12:15 p.m.**

4 10. The parties must review the chambers' rules for the assigned district judge
5 and magistrate judge.

6 11. A post trial settlement conference before a magistrate judge may be held
7 within 30 days of verdict in the case.

8 12. The dates and times set forth herein will not be modified except for good cause
9 shown.

10 13. Briefs or memoranda in support of or in opposition to any pending motion
11 shall not exceed twenty-five (25) pages in length without leave of a district court judge.
12 No reply memorandum shall exceed ten (10) pages without leave of a district court judge.
13 Briefs and memoranda exceeding ten (10) pages in length shall have a table of contents
14 and a table of authorities cited.

15 14. Plaintiff's counsel shall serve a copy of this order on all parties that enter this
16 case hereafter.

17 **IT IS SO ORDERED.**

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19 Dated: 2/12/2016

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21 Hon. Barbara L. Major
22 United States Magistrate Judge
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